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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-167

12 **REBECCA ANN TANNAHILL, RN**  
13 **3508 W. Chestnut**  
14 **Santa Ana, CA 92704**

**A C C U S A T I O N**

15 **121 W. 5th Street**  
16 **Bagley, Iowa 50026**

17 **Registered Nurse License No. 362352**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs.

24 2. On or about August 31, 1983, the Board of Registered Nursing issued Registered  
25 Nurse License Number 362352 to Rebecca Ann Tannahill (Respondent). The Registered Nurse  
26 License was in full force and effect at all times relevant to the charges brought herein and expired  
27 on December 31, 2008, and has not been renewed.  
28

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Section 2750 of the Code provides, in pertinent part, that every licensee, including licensees holding licenses placed in an inactive status, may be disciplined as provided in this article.

6. Section 2764 of the Code states:

The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license.

## STATUTORY PROVISIONS

7. Section 2761 of the Code states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

....

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it.

8. Section 2762 of the Code states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

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1 (a) Obtain or possess in violation of law, or prescribe, or except as directed  
2 by a licensed physician and surgeon, dentist, or podiatrist administer to himself or  
3 herself, or furnish or administer to another, any controlled substance as defined in  
4 Division 10 (commencing with Section 11000) of the Health and Safety Code or any  
5 dangerous drug or dangerous device as defined in Section 4022.

6 (b) Use any controlled substance as defined in Division 10 (commencing with  
7 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
8 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
9 dangerous or injurious to himself or herself, any other person, or the public or to the  
10 extent that such use impairs his or her ability to conduct with safety to the public the  
11 practice authorized by his or her license.

12 9. Health and Safety Code section 11170 states:

13 No person shall prescribe, administer, or furnish a controlled substance for himself.

14 10. Health and Safety Code section 11350 states, in pertinent part:

15 (a) Except as otherwise provided in this division, every person who  
16 possesses (1) any controlled substance specified in subdivision (b) or (c), or  
17 paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or  
18 (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of  
19 Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
20 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon  
21 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to  
22 practice in this state, shall be punished by imprisonment in the state prison.

## 23 COST RECOVERY

24 11. Section 125.3 of the Code provides that the Board may request the administrative law  
25 judge to direct a licensee found to have committed a violation or violations of the licensing act to  
26 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## 27 DRUGS

28 12. Cocaine is a Schedule II controlled substance as designated by Health and Safety  
Code section 11055, subdivision (b)(6), and is a dangerous drug pursuant to Business and  
Professions Code section 4022.

13. Marijuana is a Schedule I controlled substance as designated by Health and Safety  
Code section 11054, subdivision (d)(13), and is a dangerous drug pursuant to Business and  
Professions Code section 4022.

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## FACTUAL BACKGROUND

14. Respondent worked as a registered nurse in the emergency room at Fountain Valley Regional Hospital. On January 11, 2006, Respondent failed to report for her scheduled shift at 7:00 p.m. Respondent was called at home and said that she would be at work in approximately 40 minutes. Respondent finally showed up at work at 9:55 p.m. When Respondent arrived at work, her hands were shaking, she was very fidgety and hyperactive and could not hold still; she had sniffles and bruises on her face; her speech was very strange; and she lacked the ability to concentrate. Respondent acted as though she was under the influence of a stimulant. Respondent was asked to submit to a drug screening. Respondent tested positive for the controlled substances, cocaine and marijuana. Respondent was placed on a 12-week suspension pending successful completion of a drug intervention program through an employee assistance program. Respondent failed to make any appointments with the employee assistance program and failed to go through the drug intervention program. Respondent was terminated from Fountain Valley Regional Hospital on May 3, 2006, for failure to comply with the terms of her suspension to complete a drug intervention program.

## FIRST CAUSE FOR DISCIPLINE

(Furnishing Controlled Substances to Herself)

15. Respondent is subject to disciplinary action for unprofessional conduct under Code section 2750, in that on or about January 11, 2006, Respondent furnished cocaine, a controlled substance under Health and Safety Code section 11055 (b)(6), and marijuana, a controlled substance under Health and Safety Code section 11054 (d)(13), to herself without a prescription or authorization from a prescriber in violation of Code section 2762 (a) and Health and Safety Code section 11170, as set forth in paragraph 14, above.

## SECOND CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance Without a Prescription)

16. Respondent is subject to disciplinary action for unprofessional conduct under Code section 2750, in that on or about January 11, 2006, Respondent possessed cocaine, a controlled substance under Health and Safety Code section 11055 (b)(6), and marijuana, a controlled

1 substance under Health and Safety Code section 11054 (d)(13, without a prescription or  
2 authorization from a prescriber, in violation of Code section 2762 (a) and Health and Safety  
3 Code section 11350 (a), as set forth in paragraph 14, above.

### 4 **THIRD CAUSE FOR DISCIPLINE**

5 (Use of a Controlled Substance)

6 17. Respondent is subject to disciplinary action for unprofessional conduct under Code  
7 section 2750, in that on or about January 11, 2006, Respondent used cocaine, a controlled  
8 substance under Health and Safety Code section 11055 (b)(6), and marijuana, a controlled  
9 substance under Health and Safety Code section 11054 (d)(13), to an extent or in a manner  
10 dangerous or injurious to herself, any other person, or the public, or to the extent that such use  
11 impaired her ability to conduct with safety the practice of registered nursing, in violation of Code  
12 section 2762 (b) and Health and Safety Code section 11350 (a), as set forth in paragraph 14,  
13 above.

### 14 **FORTH CAUSE FOR DISCIPLINE**

15 (Performing Duties While Under the Influence)

16 18. Respondent is subject to disciplinary action for unprofessional conduct under Code  
17 section 2750, in that on or about January 11, 2006, Respondent tested positive for cocaine, a  
18 controlled substance under Health and Safety Code section 11055 (b)(6), and marijuana, a  
19 controlled substance under Health and Safety Code section 11054 (d)(13), while she was on duty  
20 as a registered nurse at Fountain Valley Regional Hospital in violation of Code sections 2761  
21 (a)(1) and 2762 (b), as set forth in paragraph 14, above.

### 22 **FIFTH CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 19. Respondent is subject to disciplinary action under Code section 2750, in that on or  
25 about January 11, 2006, Respondent committed unprofessional conduct while on duty as a  
26 registered nurse at Fountain Valley Regional Hospital by exhibiting hyperactive behavior and an  
27 inability to concentrate while working under the influence of cocaine, a controlled substance  
28 under Health and Safety Code section 11055 (b)(6), and marijuana, a controlled substance under

1 Health and Safety Code section 11054 (d)(13), in violation of Code sections 2761 (a)(1), 2761  
2 (d), and 2762 (b), as set forth in paragraph 14, above.

3 **PRAYER**


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 362352, issued to  
7 Rebecca Ann Tannahill.

8 2. Ordering Rebecca Ann Tannahill to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

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13  
14 DATED: 9/24/09

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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